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Application Number 10/826,048

Filing Date April 15, 2004

First Named Inventor | Richard J. MACKOOL

Art Unit 3783

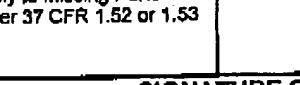
Examiner Name **Melissa A. McCORKLE**

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Printed name	ROBERT J. HESS	
Date	APRIL 11, 2006	Reg. No. 32,139

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Signature: *Linda S. Hauff*
Typed or printed name LINDA S. HAUFF FAX (571) 273-2773 Date APRIL 11, 2006

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T-448 P.002/003 F-922

PTOL-413A (09-04)
Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/825,046
Examiner: Melissa A. McCorkleFirst Named Applicant: Richard J. MACKOOL
Art Unit: 3763 Status of Application: Final Rejection

Tentative Participants:

(1) Robert J. Hess (2) _____
(3) _____ (4) _____

Proposed Date of Interview: 4/18/2006

Proposed Time: 10:00 A (AM/PM)

Type of Interview Requested:

(1) Telephonic (2) Personal (3) Video ConferenceExhibit To Be Shown or Demonstrated: YES NO
If yes, provide brief description: SEE ATTACHED CONTINUATION SHEET.

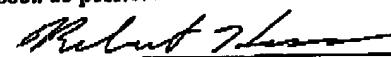
Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	[]	[]	[]
(2) _____	_____	_____	[]	[]	[]
(3) _____	_____	_____	[]	[]	[]
(4) _____	_____	_____	[]	[]	[]

[] Continuation Sheet Attached

Brief Description of Arguments to be Presented: SEE ATTACHED CONTINUATION SHEET.

An interview was conducted on the above-identified application on _____.
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.



Applicant/Applicant's Representative Signature

ROBERT J. HESS

Typed/Printed Name of Applicant or Representative
32,139

Examiner/SPB Signature

Ref: 103471-51150-US

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Applicant Initiated Interview Request Form - (Continuation Sheet)

Issues to Be Discussed

Brief Description of Arguments to be Presented:

Bailly pertains to dentist surgery, not eye surgery devices.

Bailly shows a cover 16 with one end connected to an adaptor 4, while the other end is free.

As best understood, the Examiner's position is that Bailly's cover 16 is connectable to nozzle 7 (although it accommodates insertion of conduit 4). Figs. 2a, 2b, 2c and 3 of Bailly, however, show the nozzle 7 spaced away out of contact from the cover 16 and therefore not disclosed to be connectable to it. There is no reason to so connect, even if it were feasible since either the cover 16 would not be integrally formed with the adaptor 4 or the upstream end of the conduit 4 would become exposed to environment contamination.

Pending independent Claims 1 and 9 recite a sterile, tubular sheath whose distal end is secured to a hollow extension tube and recites that the sheath is secured to the aspiration tube (at a location spaced from the distal end of the expiration tube).